



Public Notice

**U.S. Army Corps
Of Engineers
Galveston District**

Permit Application No: 22271(01) Revised
Date Issued: 5 March 2004
Comments Due: 5 April 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: U.S. Fish and Wildlife Service
McFaddin National Wildlife Refuge
P.O. Box 609
Sabine Pass, Texas 77655-0609
Telephone: 409-971-2909
POC: Dean Bossert

LOCATION: The project site is located along the shoreline of both the north and the south bank of the Gulf Intracoastal Waterway (GIWW) within the McFaddin National Wildlife Refuge (NWR). Work on the northern shoreline would begin north of Willow Lake and would extend west to Goose Gully. Along the southern shoreline, work would begin at the refuge boundary north of Willow Lake and would extend west to White's Levee. The project can be located on the U.S.G.S. quadrangle maps entitled: Big Hill Bayou, Texas and Clam Lake, Texas. Approximate UTM Coordinates (Begin Point): Zone 15; Easting: 399492; Northing: 3293008; (End Point): Zone 15; Easting: 391725; Northing: 3288023.

PROJECT DESCRIPTION: The applicant has submitted revised plans to reflect a modification to a proposed activity that was originally coordinated via 30-day public notice on 17 February 2004.

The applicant is requesting authorization to modify Department of the Army Permit No. 22271 to place riprap along an additional 68,000 linear feet of shoreline within the McFaddin NWR. The applicant now wishes to add dredging to the project plans. This dredging may need to occur along the bank of the GIWW to provide access for marine construction equipment in order to reach the proposed work areas. If necessary, the floatation channels would require dredging to a depth of 6 feet and up to a width of 30 feet. The area of dredging would not be continuous along the entire length of the channel. Placement of the dredged material would be either between the floatation channel dredge area and the GIWW bank or on top of the GIWW bank on upland areas. The applicant will employ best management practices during the dredging operations. The applicant is also proposing to create marsh habitat along the GIWW in select areas. These planting areas along with a typical cross section of the dredged areas are depicted in the drawings for the revised project.

Department of the Army Permit 22271 authorized shoreline stabilization activities along an approximate 5.5-mile stretch of the GIWW within the McFaddin NWR. These activities included the construction of breakwater/revetment structures, levee construction and rehabilitation, the installation of a new intake structure, and the construction of a new access/maintenance road. Since the original permit was authorized, additional areas along the GIWW within the refuge have begun to experience erosion. The applicant is, therefore, proposing to discharge an additional 5,674 cubic yards of riprap below the mean high tide line of the GIWW to protect the interior marsh from erosion and saltwater intrusion. The average size of the riprap to be used is 18 inches in diameter. Shoreline riprap will have a minimum elevation of at least 6 feet mean sea level to provide maximum shoreline protection and will be placed along the shoreline at a 2:1 gradation.

The areas to be protected are non-contiguous. The project will result in permanent impacts to approximately 3.5 acres of open water habitat. Upon project completion, approximately 55,000 acres of marsh habitat will be protected.

The applicant's plans are enclosed in 11 sheets.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A staff archaeologist with the Galveston District Corps of Engineers performed a reconnaissance survey of the permit area on 20 March 2003. Much of the area to be impacted by the proposed project has been utilized, in the past, as a placement area for dredged material and is currently covered by 2 to 10 feet of fill material. Those areas that currently consist of marsh habitat have a low probability for yielding archaeological deposits eligible for the National Register of Historic Places.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **5 April 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Kimberly McLaughlin
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3936 Phone
409-766-3931 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS